

S/N 09/831,971

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	VAN SAARLOOS et al.	Docket No.:	8257.17USWO
Serial No.:	09/831,971	Filed:	May 16, 2001
Int'l Appln No.:	PCT/AU99/01024	Int'l Filing Date:	November 18, 1999
Title:	LIMITED COHERENCE STEREO OPHTHALMOSCOPE		

CERTIFICATE UNDER 37 CFR 1.10

'Express Mail' mailing label number: EV 142 559 513

Date of Deposit: June 12, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service 'Express Mail Post Office To Addressee' service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Mail Stop PCT, Attn: PCT Legal Office, P.O. Box 1450, Alexandria, VA 22313-1450.

By: _____

Name: John Vinkers

RENEWED PETITION UNDER 37 C.F.R. §1.47(a)

Mail Stop PCT
Attn: PCT Legal Office
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully request reconsideration of the Decision On Renewed Petition Under 37 CFR 1.47(a) mailed February 12, 2003, in which Applicant's petition was dismissed.

The decision indicates that the Aitken declaration is insufficient because Ms. Aitken did not send the June 5, 2001 letter to Dr. Van Saarloos, and that the June 5, 2001 letter does not mention the application papers.

Enclosed herewith is a declaration which is signed by Christopher Edwards (hereinafter the "Edwards declaration"). As stated in paragraph 3 of the Edwards declaration, Mr. Edwards is the individual who personally sent the June 5, 2001 letter to Dr. Van Saarloos. A copy of the letter is attached as Exhibit C-1. Mr. Edwards also states in paragraph 3 of his declaration that the power of attorney documentation referenced in his letter included a copy of the specification, claims, drawings and Combined Declaration and Power of Attorney. A copy of the documentation accompanying the June 5, 2001 is attached. In addition, Mr. Edwards states that he knows from subsequent exchanges with Dr. Van Saarloos' lawyers that Dr. Van Saarloos

and/or his lawyers received the specification, claims, drawings and Combined Declaration and Power of Attorney.

Mr. Edwards was the person who sent the June 5, 2001, and as such would have firsthand knowledge of that letter and any documents accompanying that letter. As such, this information is not hearsay. As stated by Mr. Edwards, the application papers accompanied his June 5, 2001 letter, and that the application papers were actually received by Dr. Van Saarloos and/or his lawyers.

Further, as was indicated on the Butler declaration filed on December 21, 2001, the representative of Dr. Van Saarloos stated that secondary matters, such as execution of the forms for the present application, would be left until the primary dispute is resolved (paragraph 7 of the Butler declaration). Because the dispute has yet to be resolved, Applicants respectfully submit that this statement by the representative of Dr. Van Saarloos should be construed as an express refusal to execute the Combined Declaration and Power of Attorney. In addition, it has been over two years since the application papers were presented to Dr. Van Saarloos for signature. This lapse in time should also be construed as a refusal to execute the application papers.

The statement of the last known address of Dr. Van Saarloos, and the declaration by the remaining inventor, Fred Reinholz, were submitted with the petition papers on December 21, 2001.

Applicants respectfully request that a Notification of Acceptance be issued for the above-referenced matter.

No additional petition fee is believed to be due. A request for a two-month extension of time is enclosed. The Commissioner is hereby authorized to charge any fee that may be necessary in consideration of this petition to Merchant & Gould deposit account no. 13-2725.


If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record, Brian H. Batzli (Reg. No. 32,960), at 612.336.4755.



Respectfully submitted,
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Dated: June 12, 2003

By



Brian H. Batzli
Reg. No. 32,960

BHB/JAL